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C O N F I D E N T I A L SECTION 01 OF 02 DILI 000003

SIPDIS

DEPARTMENT FOR EAP/MTS
USUN FOR RICHARD MCCURRY
NSC FOR HOLLY MORROW
PACOM FOR JOC AND POLAD
SIPDIS

E.O. 12958: DECL: 1/5/2017

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SUBJECT: LOBATO TRIAL TO RESUME AMID RUMORS OF DEMONSTRATIONS

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CLASSIFIED BY: Elizabeth S. Wharton, Political/Economic Officer,
U.S. Embassy Dili, Department of State.
REASON: 1.4 (c)

¶1. (C) Summary: The trial of former Minister of Interior Rogerio Lobato on charges of illegal arms distribution is due to resume on January 9. It had originally opened on November 30, but was adjourned the same day and delayed until this month, apparently because key witnesses / co-defendants had failed to appear. In the intervening month, two alleged attacks on the homes of key witnesses have led to concerns that the trial is being manipulated. Meanwhile, contacts close to Lobato report that he is relaxed and confident that his trial will be a mere formality. Other sources, including a respected judicial monitoring organization, have indicated that the prosecution case indeed may be quite weak. Over the last few days, several rumors have been circulating regarding possible pro- and anti-Lobato demonstrations and the possibility of associated clashes. However, so far there is no discernable evidence that any major demonstrations are in the works. Nonetheless, there is a general expectation that things will "heat up" again following the quieter holiday period, and the Lobato trial could be a potential flash point in this dynamic. End summary.

¶2. (U) The trial of former Minister of Interior Rogerio Lobato on charges of arming hit squads to operate against the opposition on behalf of the ruling Fretilin party is due to re-open on January 9. Lobato, who resigned under pressure in late May, has been indicted along with three others, including his former Chief of Staff, Eusebio Salsinha, Francisco Xavier (nfi), and Marcos Piedade, aka "Labadain" who is the leader of the Ermera-district group allegedly armed by Lobato. The trial originally opened on November 30, but the panel of two international and one Timorese judge adjourned it the same day and rescheduled it for this month, citing Labadain's failure to appear. The following day it emerged that Labadain had presented himself on the morning of November 30 at the Prosecutor General's office, only minutes away from the Court, but for reasons that remain murky never appeared at the trial.

13. (SBU) During the month following the trial's false start, two key witnesses in the case, including Labadain, have allegedly come under attack in their homes, raising concerns regarding possible behind the scenes manipulation of the trial. Labadain claimed that his house in Railako, Ermera district, was attacked with gunfire on December 1 and that he was injured. He then went into hiding, apparently with some support from a Catholic priest. Ermera district police relayed to Emboffs that they were somewhat skeptical of the allegations, noting that his house is adjacent to the police station and that no one heard any shots fired. Then early in the morning of December 27, unknown assailants apparently fired a number of shots into the home of Vicente de Condeicao, aka "Railos", the leader of the Liquica group allegedly armed by Lobato. Railos reported no injuries; UN police currently investigating the incident found shell casings and confirmed that windows had been shot out. In a conversation with Emboff, Railos characterized the attack as part of an effort to ensure that his evidence will not be part of the Lobato trial.

14. (C) Throughout these twists and turns, our sources have consistently reported that Lobato remains relaxed and confident that he will not be convicted, characterizing the trial as "just a formality." He is not denying his involvement in the weapons distribution, but rather reportedly notes that there is no clear legal prohibition against it. His lead lawyer has also commented that the legal grounds of the prosecution can be easily dismantled. Other sources, such as the highly respected NGO, the Judicial Systems Monitoring Program, have indicated that the prosecution case may indeed be quite weak. Moreover, JSMP has pointed out possible procedural problems with how Lobato's detention, questioning and indictment have been handled to date.

15. (SBU) In anticipation of the trial's reopening, rumors have been circulating in Dili over the last few days regarding possible demonstrations on January 9 or earlier. According to

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the rumors, both pro- and anti-Lobato groups will stage competing demonstrations and clashes between the two groups could occur. In addition, the National Front for Justice and Peace (FNJP), which organized the June demonstrations against then Prime Minister Mari Alkatiri, has publicly indicated its intent to stage demonstrations. (Note: the FNJP has also announced that it is changing its name to Movement of National Unity for Justice (MUNJ).) However, so far, there has been no discernable evidence that any large demonstrations are in the works. Contacts in the districts report that the local population is busy with agricultural work and that no mobilization is taking place. While the FNJP/MUNJ was highly successful in organizing the largenon-violent anti-Alkatiri demonstrations in June, their frequent announcements of demonstration plans since have all failed to materialize. However, there was a small, uneventful pro-Lobato demonstration at the courthouse when his trial opened on November 30 and it is likely that something similar will occur on January 9.

16. (SBU) Nonetheless, there is a general expectation that following the relative calm of the holiday period, things will "heat up" again. This expectation is not without foundation, not just due to the Lobato trial but also to the fact that despite recent "peace" ceremonies the fundamental conflicts afflicting East Timor remain unresolved. However, UN officials and international military sources do not expect the pattern of disturbances/clashes to exceed the bandwidth of the current ongoing violence, to which the international security forces have been able to effectively respond.

GRAY